

UNITED STATES DISTRICT COURT

for the

Southern District of Alabama



____ Division

Case No.

23-CV-479-TFM-C

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

Luther Steven Montgomery Jr.

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

Officer Cody P. Daniels

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Luther Steven Montgomery Jr.

Street Address

1300 Creekway Dr.

City and County

Mobile

State and Zip Code

AL 36605

Telephone Number

251-361-8059

E-mail Address

Lukeslime93@gmail.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant #1. Officer Cody P. Daniels

Officer Cody P. Daniels came to the scene of the accident on July 1st with myself and another party. He and another officer investigated and determined it was the other party fault. A week later he told the insurance company ~~that he didn't state none of that on the scene~~ adjuster that he didn't state none of that on the scene and now he's saying he can't determine who fault it is.

Defendant #2. SGT. John Hicks

I reached out to Sgt. Hicks because of the paperwork not being correct, and the statement that Cody P. Daniels had made and nothing was done after he investigated and seen that Cody Daniels had lied to the insurance company.

Defendant #3 City of Mobile

Both officers Cody P. Daniels and Sgt John Hicks work for the police department and the city of Mobile. They both were on duty at the time this incident occurred and the city of Mobile allowed them to that.

All defendants listed above violated my 14th Amendment under the United States Constitutional rights.

~~XXXXXXXXXX~~

Sgt Hicks.

After speaking with cody p Daniels on multiple occasions to fix my paperwork, I then had to get intouch with his supervisor who is Sgt. Hicks for him to do an investigation and after he completed his investigation he seen on the video camera that he told me it wasn't my fault it was the other party fault, Sgt Hicks also never looked any of the police reports that was fixed. he later stated will I be able to provide him with the police reports starting from ~~the 1st one to the last one had to be fixed~~. The first one I got down to the 3rd one. I later down the line learned that Sgt Hicks was suppose to went over the police report with officer Cody P. Daniels as he was changing them and he didn't.

Defendant No. 1

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

Cody P. Daniels
Police Officer
8080 Airport Boulevard
Mobile
AL, 36608
251-208-1300

Defendant No. 2

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

[REDACTED] Sgt John Hicks
Police
8080 Airport Boulevard
Mobile
AL, 36608
251-208-1300

Defendant No. 3

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

City of Mobile
[REDACTED]
205 Government
Mobile
AL, 36602
251-208-1700

Defendant No. 4

Name
Job or Title (if known)
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address (if known)

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)



Federal question



Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

The federal statutes of the United States Constitution that are in this case is that my 14th Amendment was violated.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, (name) Luther Montgomery, is a citizen of the State of (name) Alabama

b. If the plaintiff is a corporation

The plaintiff, (name) _____, is incorporated under the laws of the State of (name) _____, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) Officer Cody P Daniels, is a citizen of the State of (name) Alabama. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) City of Mobile, is incorporated under the laws of the State of (name) Alabama, and has its principal place of business in the State of (name) Alabama.
 Or is incorporated under the laws of (foreign nation) _____, and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

35 Thousand

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed. On July 1st 2023, I were involved in a car wreck where Officer Cody P. Daniels responded to the scene when he arrived to the scene he spoke with the other party that was involved. He then did his investigation and determined that the other party was at fault. But when asked by the insurance company he told them he didn't say that. I then asked why he said that, that's when he stated he were changing his mind.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages. The damages that Cody P. Daniels caused was me receiving the proper help for my car being wrecked. He also caused me not to receive payments from the insurance company that was due to me for my car and injuries.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09-11-2023

Signature of Plaintiff

Printed Name of Plaintiff

Luther Montgomery
Luther Montgomery

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address